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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,456	06/15/2000	Shawn D. Abbott	30074.27USI1	8669

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EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/594,456

Applicant(s)

ABBOTT ET AL.

Examiner

Jenise E Jackson

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8 and 10-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

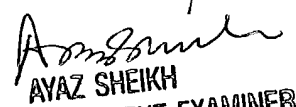
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Continuation of 5. does NOT place the application in condition for allowance because: the prior art of record meets claim limitations. The Applicant states that the Benson reference that was used to reject claims in the office action, does not send commands at all...it receives smartcard commands and executes them using a software emulation. Also, the Applicant states that Benson does not package or translate smartcard commands. Further, the Applicant states that Benson does not disclose a smartcard processor. The Examiner disagrees with the Applicant in regards to these remarks. Benson discloses a smartcard processor in a personal key(virtual smartcard) is enabled by use of an interface processor, because the interface processor includes a smartcard reader emulator, that functions to emulate those of a smartcard reader, thus projecting the image of a smartcard reader to the smartcard processor(see col. 6, lines 30-45). Benson also discloses that the virtual smartcard reader passes information to and from the virtual smartcard(see col. 6, lines 30-45). Therefore, the Examiner asserts that commands are sent and executed using a software emulation as done by Benson. Furthermore, as the reference of Gabrielle there is teaching to combine(see previous office action, pg. 2)

The Applicant states that Benson does not disclose a communication module, and it is not inherent in Benson. The Examiner disagrees with the Applicant. First, a communication module is inherent in Benson, because information is passed to virtual smart card reader from the virtual smart card(see col. 6, lines 38-45). Benson discloses the virtual smart card stores protected information, such as digital signature. When the virtual smart card is inserted, the virtual smart card server downloads the protected information, thus there is communication module in Benson(see col. 6, lines 48-58, col. 7, lines 1-5, col. 9, lines 38-41).

The Applicant states that Benson does not disclose a virtual smartcard reader including a reporting module for receiving and reporting the insertion of the personal token and removal of the personal token as a removal of a smartcard. The Examiner disagrees. The virtual smart state is recorded in the virtual smart card server's database. When the virtual smart card is inserted in the virtual smart card reader, and insertion operation takes place, and when the virtual smart card is removed certain operation take place, but the states are recorded in the server(see col. 13, lines 28-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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